

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII

3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 vs.)
6 MICHAEL J. MISKE, JR.,)
7 Defendant.)
8 _____)

 CRIMINAL NO. 19-00099-DKW
 Honolulu, Hawaii
 April 10, 2024
 TESTIMONY OF RYAN TERAMOTO

9
10 PARTIAL TRANSCRIPT OF JURY TRIAL (DAY 47)
11 BEFORE THE HONORABLE DERRICK K. WATSON,
12 CHIEF UNITED STATES DISTRICT COURT JUDGE

13 APPEARANCES:

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United States District Court
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

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1 April 10, 2024 11:39 a.m.

08:42AM 2 THE CLERK: Criminal Number 19-00099-DKW-KJM, United

08:42AM 3 States of America versus Michael J. Miske, Jr.

08:42AM 4 This case has been called for jury trial, day 47.

08:43AM 5 Counsel, please make your appearances for the record.

08:43AM 6 MR. INCIONG: Good morning, Your Honor. Mark Inciong,

08:43AM 7 KeAupuni Akina and Michael Nammar for the United States. Also

08:43AM 8 with us are Kari Sherman and FBI Special Agent Thomas Palmer.

08:43AM 9 Good morning.

08:43AM 10 THE COURT: Good morning.

08:43AM 11 MR. KENNEDY: Good morning, Your Honor. Michael

08:43AM 12 Kennedy with Lynn Panagakos, Michael Miske, Ashley King and

08:43AM 13 Josh Barry. Good morning to all of you.

08:43AM 14 THE COURT: Good morning to the 16 persons on our jury

08:43AM 15 you may be seated. Good morning to our jury.

11:37AM 16 --oo0oo--

11:37AM 17 MR. INCIONG: The United States calls Ryan Teramoto.

11:39AM 18 THE CLERK: Please raise your right hand.

11:39AM 19 RYAN TERAMOTO,

11:39AM 20 called as a witness, having been first duly sworn, was examined

11:39AM 21 and testified as follows:

11:39AM 22 THE CLERK: Please state your full name spelling your

11:39AM 23 last name for the record.

11:39AM 24 THE WITNESS: Ryan Teramoto, T-E-R-A-M-O-T-O.

25

11:39AM 1 DIRECT EXAMINATION

11:39AM 2 BY MR. INCIONG:

11:39AM 3 Q Good morning, Mr. Teramoto.

11:39AM 4 A Good morning.

11:39AM 5 Q Are you appearing today pursuant to a subpoena, sir?

11:39AM 6 A Excuse me?

11:39AM 7 Q Are you appearing today pursuant to a subpoena?

11:39AM 8 A Yes.

11:39AM 9 Q If you were not compelled to testify in this case, would

11:39AM 10 you have done so?

11:39AM 11 A No.

11:39AM 12 Q Is it difficult for you to testify in this trial?

11:39AM 13 A Yes.

11:39AM 14 Q Can you explain to the jury why that is?

11:39AM 15 A Because Mike is a friend of mine, and this goes way back.

11:40AM 16 Part of my life I'm trying to forget.

11:40AM 17 Q When you refer to "Mike," who is Mike that you referenced

11:40AM 18 just a minute ago?

11:40AM 19 A Mike Miske.

11:40AM 20 Q Do you see the person you know as Mike Miske in the

11:40AM 21 courtroom today?

11:40AM 22 A Yes.

11:40AM 23 Q Could you indicate where he's seated and what he is

11:40AM 24 wearing for the record, please?

11:40AM 25 A Nice suit in the middle.

11:40AM 1 Q What color is the suit?

11:40AM 2 A Brown.

11:40AM 3 MR. INCIONG: Your Honor, may the record reflect

11:40AM 4 Mr. Teramoto as identified the defendant?

11:40AM 5 THE COURT: Yes. The record should reflect the

11:40AM 6 witness, Mr. Teramoto's, identification of the defendant

11:40AM 7 Mr. Miske.

11:40AM 8 BY MR. INCIONG:

11:40AM 9 Q Mr. Teramoto, how old are you?

11:40AM 10 A 51.

11:40AM 11 Q Did you grow up in Hawaii?

11:40AM 12 A Yes.

11:40AM 13 Q What part of Hawaii did you grow up?

11:40AM 14 A Waimanalo.

11:40AM 15 Q Where did you go to high school?

11:40AM 16 A Kailua High School.

11:40AM 17 Q What year did you graduate?

11:40AM 18 A 1990.

11:40AM 19 Q Do you have a family, sir?

11:40AM 20 A Yes.

11:40AM 21 Q Tell us about that.

11:40AM 22 A I have three daughters.

11:41AM 23 Q How did you meet Mr. Miske?

11:41AM 24 A Growing up in Waimanalo.

11:41AM 25 Q So you've known him since you were approximately how old?

11:41AM 1 A Teenager.

11:41AM 2 Q Would it be accurate to say you've known him over 30 years
11:41AM 3 at this point?

11:41AM 4 A Yes.

11:41AM 5 Q What do you currently do for a living, sir?

11:41AM 6 A I run a termite and pest control company.

11:41AM 7 Q How long have you run that company?

11:41AM 8 A Fifteen years.

11:41AM 9 Q Do you have a number of employees?

11:41AM 10 A Yes.

11:41AM 11 Q How many employees do you have?

11:41AM 12 A Two.

11:41AM 13 Q Did you have prior experience in the pest control industry
11:41AM 14 before you started that company?

11:41AM 15 A Yes.

11:41AM 16 Q What was that from?

11:41AM 17 A Kama'aina Termite and Pest Control.

11:41AM 18 Q When did you work for Kama'aina Termite and Pest Control?

11:41AM 19 A Approximately 2001 through 2009.

11:42AM 20 Q Did you know Mr. Miske before working there?

11:42AM 21 A Yes.

11:42AM 22 Q Was it through your connection with Mr. Miske that you
11:42AM 23 began employment there?

11:42AM 24 A Yes.

11:42AM 25 Q What did you do specifically for Kama'aina Termite and

11:42AM 1 Pest Control?

11:42AM 2 A Mainly sales.

11:42AM 3 Q Were you paid on a salary or commission basis?

11:42AM 4 A Salary.

11:42AM 5 MR. INCIONG: Your Honor, could we show the witness

11:42AM 6 and publish please Exhibit 5-22 previously admitted from our

11:42AM 7 original exhibit list?

11:42AM 8 THE COURT: Go ahead.

11:42AM 9 BY MR. INCIONG:

11:42AM 10 Q Mr. Teramoto, do you recognize what's shown in 5-22?

11:42AM 11 A Yes.

11:42AM 12 Q Is that the business location of Kama'aina Termite and

11:42AM 13 Pest Control?

11:42AM 14 A Yes.

11:42AM 15 Q Is that the location that you worked out of when you were

11:42AM 16 employed there?

11:42AM 17 A Yes.

11:42AM 18 Q After high school, when you graduated in 1990, what did

11:43AM 19 you do for work?

11:43AM 20 A Started a few small businesses.

11:43AM 21 Q What kinds of businesses or services did those businesses

11:43AM 22 involve?

11:43AM 23 A An auto detailing business and a janitorial cleaning

11:43AM 24 business.

11:43AM 25 Q Were those basically kind of one-man businesses or did you

11:43AM 1 have employees?

11:43AM 2 A One-man businesses.

11:43AM 3 Q You were the one man?

11:43AM 4 A Yes.

11:43AM 5 Q How long did you run those businesses for about?

11:43AM 6 A Eight to ten years.

11:43AM 7 Q In that approximate time period, did you ever begin
11:43AM 8 selling or distributing illegal drugs?

11:43AM 9 A Yes.

11:43AM 10 Q Was there a certain drug that you distributed?

11:43AM 11 A Yes.

11:43AM 12 Q What drug was that?

11:43AM 13 A Cocaine.

11:43AM 14 Q How did that begin?

11:43AM 15 A Through friends that were doing it.

11:43AM 16 Q Why did you decide to begin joining them in selling drugs?

11:44AM 17 A Trying to make money.

11:44AM 18 Q What kinds of amounts were you selling initially when you
11:44AM 19 started doing that?

11:44AM 20 A Very small amounts.

11:44AM 21 Q Would grams be an accurate description?

11:44AM 22 A Yes.

11:44AM 23 Q Over time did that amount increase?

11:44AM 24 A Yes.

11:44AM 25 Q What types of -- what were the larger or largest, I should

11:44AM 1 say, types of amounts you were dealing with at any point?

11:44AM 2 A Kilograms.

11:44AM 3 Q Did you have a primary source of cocaine that you were

11:44AM 4 selling for?

11:44AM 5 A Yes.

11:44AM 6 Q How long did that primary source supply for you

11:44AM 7 approximately?

11:44AM 8 A Four or five years.

11:44AM 9 Q Over that time period, can you estimate the amount of

11:44AM 10 cocaine that you received and then further distributed?

11:44AM 11 A I can't remember.

11:44AM 12 Q Would it be fair to say it was multiple kilos?

11:45AM 13 A Yes.

11:45AM 14 Q Were you aware of where your source was obtaining the

11:45AM 15 cocaine from?

11:45AM 16 A No, not initially.

11:45AM 17 Q Location-wise did you become aware?

11:45AM 18 A Yes.

11:45AM 19 Q Where was that?

11:45AM 20 A California.

11:45AM 21 Q Did you ever accompany your source to California on any

11:45AM 22 trips to obtain cocaine?

11:45AM 23 A Yes.

11:45AM 24 Q How many times?

11:45AM 25 A Once.

11:45AM 1 Q Do you recall when you made that trip?

11:45AM 2 A In October of 1998.

11:45AM 3 Q Do you recall whether you took cash to purchase the

11:45AM 4 cocaine when you accompanied your source on that trip?

11:45AM 5 A Yes, I did.

11:45AM 6 Q Do you recall how much collectively you took?

11:45AM 7 A I think it was probably close to a hundred thousand

11:45AM 8 dollars total.

11:45AM 9 Q Do you recall the amount of cocaine that you were hoping

11:45AM 10 to purchase at that time?

11:45AM 11 A Approximately five.

11:46AM 12 Q Kilograms?

11:46AM 13 A Yes -- yeah.

11:46AM 14 Q Was a portion of that going to come to you or was that all

11:46AM 15 coming to you?

11:46AM 16 A A portion of it.

11:46AM 17 Q Did you return with your source or did you return in

11:46AM 18 advance of your source?

11:46AM 19 A I came back alone before.

11:46AM 20 Q At some point, did your source come back with the cocaine?

11:46AM 21 A Yes.

11:46AM 22 Q Did he give your two kilograms share to you?

11:46AM 23 A Yes.

11:46AM 24 Q Shortly after that, in October of 1998, did you suspect

11:46AM 25 that your source had been arrested by law enforcement?

11:46AM 1 A Yes.

11:46AM 2 Q What did you do in response to that?

11:46AM 3 A I hired an attorney.

11:46AM 4 Q Did you have a chance to consult with your attorney about

11:46AM 5 what was going on at that time?

11:46AM 6 A Yes.

11:46AM 7 Q What did you decide to do after consulting your attorney?

11:46AM 8 A We reached out to the FBI.

11:47AM 9 Q Did you meet with the FBI?

11:47AM 10 A Yes.

11:47AM 11 Q Did you in fact agree to cooperate with the FBI?

11:47AM 12 A Yes.

11:47AM 13 Q Did you enter into a proffer agreement shortly after that

11:47AM 14 in January of 1999?

11:47AM 15 A Yes.

11:47AM 16 Q Did that proffer agreement require you to meet with the

11:47AM 17 FBI and give them truthful information?

11:47AM 18 A Yes.

11:47AM 19 Q Did you do that?

11:47AM 20 A Yes.

11:47AM 21 Q Did you proactively turn into the FBI any contraband as

11:47AM 22 part of your cooperation?

11:47AM 23 A Yes, I did.

11:47AM 24 Q What did you turn over to the FBI?

11:47AM 25 A Two kilos and some money.

11:47AM 1 Q So two kilograms of cocaine?

11:47AM 2 A Yes.

11:47AM 3 Q Was that the cocaine that had just come back from LA?

11:47AM 4 A Yes.

11:47AM 5 Q You referenced some money. Do you recall that being about

11:47AM 6 \$6,000?

11:47AM 7 A I can't remember.

11:47AM 8 Q Was the source of that money prior of cocaine sales?

11:47AM 9 A Yes.

11:47AM 10 Q Why did you turn over those drugs and the money to the

11:48AM 11 FBI?

11:48AM 12 A To start a new chapter in my life.

11:48AM 13 Q From 1999, when you first entered the proffer agreement

11:48AM 14 with the FBI, did you proffer or meet with them on a number of

11:48AM 15 occasions that year and carrying over into the following year?

11:48AM 16 A I met with them that year. I don't remember meeting with

11:48AM 17 them after that year.

11:48AM 18 Q Okay. During the meetings, were you asked questions as to

11:48AM 19 who your sources or source of cocaine was, who your customers

11:48AM 20 were, things of that nature?

11:48AM 21 A Yes.

11:48AM 22 Q Did you identify your source of cocaine to them?

11:48AM 23 A Yes.

11:48AM 24 Q Did you identify your customers?

11:48AM 25 A Yes.

11:48AM 1 Q Did you have a number of main or primary customers that
11:49AM 2 you sold cocaine to?
11:49AM 3 A Yes.
11:49AM 4 Q Was Mr. Miske one of the customers you identified to the
11:49AM 5 FBI?
11:49AM 6 A Yes.
11:49AM 7 Q What types of amounts were you selling to Mr. Miske?
11:49AM 8 A Ounces.
11:49AM 9 Q Were you selling up to ten ounces at a time to Mr. Miske?
11:49AM 10 A Yes.
11:49AM 11 Q Approximately how many times did you sell cocaine to
11:49AM 12 Mr. Miske?
11:49AM 13 A A handful.
11:49AM 14 Q Over what time period did that take place?
11:49AM 15 A Several months prior to that -- the incident in October.
11:49AM 16 Q So would this have been 1998?
11:49AM 17 A Yes.
11:49AM 18 Q Were you eventually charged in federal court for your
11:49AM 19 cocaine involvement?
11:49AM 20 A Yes.
11:49AM 21 Q What were you charged with?
11:49AM 22 A Possession with the intent to distribute.
11:50AM 23 Q Do you recall specifically being charged with possession
11:50AM 24 with intent to distribute over 500 grams of cocaine?
11:50AM 25 A Yes.

11:50AM 1 Q Do you recall that charge coming down in May of 2002?

11:50AM 2 A Yes.

11:50AM 3 Q Did you resolve that case?

11:50AM 4 A Yes.

11:50AM 5 Q How did you resolve your case?

11:50AM 6 A I was sentenced to a year in federal prison.

11:50AM 7 Q Prior to that, did you enter into a plea agreement?

11:50AM 8 A Yes.

11:50AM 9 Q So you pled guilty to the charge?

11:50AM 10 A Yes.

11:50AM 11 Q Did you understand that was a federal drug felony

11:50AM 12 conviction then?

11:50AM 13 A Yes.

11:50AM 14 Q You indicated just a minute ago you were sentenced,

11:50AM 15 correct?

11:50AM 16 A Yes.

11:50AM 17 Q What did you say the sentence was again?

11:50AM 18 A One year.

11:50AM 19 Q Where did you serve that sentence?

11:50AM 20 A At the FDC Honolulu.

11:50AM 21 Q When did you serve that sentence, what years?

11:50AM 22 A 2003.

11:50AM 23 Q Were you sentenced in the later part of 2002 for that

11:51AM 24 charge?

11:51AM 25 A Yes.

11:51AM 1 Q As part of your sentencing, did you receive a motion for a
11:51AM 2 downward departure for substantial assistance?
11:51AM 3 A Yes.
11:51AM 4 Q Did you receive an award for that or was that granted?
11:51AM 5 A Yes.
11:51AM 6 Q Was that for your cooperation with the FBI?
11:51AM 7 A Yes.
11:51AM 8 Q Was there a term of supervised release that was instituted
11:51AM 9 as part of your sentence?
11:51AM 10 A Yes.
11:51AM 11 Q How long was that?
11:51AM 12 A Three years.
11:51AM 13 Q Did you have any violations of your supervised release
11:51AM 14 after you were released from prison?
11:51AM 15 A No.
11:51AM 16 Q Have you been arrested since this incident back in 1998?
11:51AM 17 A No.
11:51AM 18 Q Now, while this cooperation was happening did you tell
11:51AM 19 anyone you were cooperating with the FBI?
11:51AM 20 A No.
11:51AM 21 Q After you were charged in May of 2002, did you tell anyone
11:51AM 22 you had been charged in federal court with a drug trafficking
11:51AM 23 crime?
11:51AM 24 A No.
11:52AM 25 Q When was the first time that you shared with anybody what

11:52AM 1 was going on in the court system?

11:52AM 2 A After I was sentenced and shortly before I turned myself

11:52AM 3 in.

11:52AM 4 Q When you were sentenced, were you given a date later to

11:52AM 5 turn yourself in?

11:52AM 6 A Yes.

11:52AM 7 Q Is that called a self-surrender date?

11:52AM 8 A Yes.

11:52AM 9 Q So that was just before you were turning yourself into the

11:52AM 10 FDC that you told anyone?

11:52AM 11 A Yes.

11:52AM 12 Q Who did you tell that you were going to serve a federal

11:52AM 13 drug sentence?

11:52AM 14 A My immediate family, and that's pretty much it, and my

11:52AM 15 boss of course.

11:52AM 16 Q Who was your boss at the time?

11:52AM 17 A Mike Miske.

11:52AM 18 Q When you told Mr. Miske, what was his reaction?

11:52AM 19 A Shock.

11:52AM 20 Q Did you tell Mr. Miske that your conviction was for

11:52AM 21 cocaine distribution?

11:52AM 22 A Yes.

11:52AM 23 Q Did Mr. Miske indicate whether he was worried about that?

11:53AM 24 A No. I mean, he was concerned, but it was many years past

11:53AM 25 everything we had gone through.

11:53AM 1 Q You had sold him cocaine previously, correct?

11:53AM 2 A Yes.

11:53AM 3 Q Did you say anything or tell Mr. Miske anything to assure

11:53AM 4 him that he didn't have to worry?

11:53AM 5 A Yes.

11:53AM 6 Q What did you tell him?

11:53AM 7 A That my case was done, done and over it, and I was going

11:53AM 8 to get locked up.

11:53AM 9 Q Did you ever tell Mr. Miske that you had identified him as

11:53AM 10 one of your customers?

11:53AM 11 A No.

11:53AM 12 Q To your knowledge, did he ever know that you had

11:53AM 13 identified him?

11:53AM 14 A No.

11:53AM 15 Q So you were working at Kama'aina Termite and Pest Control

11:53AM 16 when you entered your guilty plea, correct?

11:54AM 17 A Yes.

11:54AM 18 Q When you told Mr. Miske that you were going to serve this

11:54AM 19 sentence, did you have a discussion about your job status?

11:54AM 20 A Yes.

11:54AM 21 Q What was that discussion about?

11:54AM 22 A That I would be able to continue working until my

11:54AM 23 surrender date and that I would have a job waiting for me when

11:54AM 24 I got home.

11:54AM 25 Q After you served your sentence, did you go back to

11:54AM 1 Kama'aina Termite and Pest Control?

11:54AM 2 A Yes.

11:54AM 3 Q Was your job waiting for you as Mr. Miske had promised?

11:54AM 4 A Yes.

11:54AM 5 Q Was it the same job you had as before you went in to serve

11:54AM 6 your sentence?

11:54AM 7 A Yes.

11:54AM 8 Q That was doing sales still?

11:54AM 9 A Yes.

11:54AM 10 Q Now, prior to serving your prison sentence, you referred

11:54AM 11 to Mr. Miske is both your friend and your boss. Before you

11:54AM 12 went and served your sentence, how would you describe your

11:54AM 13 friendship? Was it a work friendship, a casual friendship,

11:55AM 14 close friendship? How would you characterize it?

11:55AM 15 A Close friendship.

11:55AM 16 Q After you came back and began working for the second stint

11:55AM 17 at Kama'aina Termite, did your friendship stay the same, was it

11:55AM 18 more distant, or did you become closer?

11:55AM 19 A It became closer.

11:55AM 20 Q Would you consider Mr. Miske a close friend at that time?

11:55AM 21 A Yes.

11:55AM 22 Q Do you consider that today?

11:55AM 23 A Yes.

11:55AM 24 Q So when you came back you started up again, started

11:55AM 25 working at Kama'aina, you worked there for another several

11:55AM 1 years?

11:55AM 2 A Yes.

11:55AM 3 Q During that time, did you have regular contact with

11:55AM 4 Mr. Miske?

11:55AM 5 A Yes.

11:55AM 6 Q Did you develop a trust between each other?

11:55AM 7 A Yes.

11:55AM 8 Q You feel like he trusted you?

11:55AM 9 A Yes.

11:55AM 10 Q Did you trust him?

11:55AM 11 A Yes.

11:55AM 12 Q Do you recall in about 2009 Mr. Miske asking you to serve

11:56AM 13 in a certain capacity in regard to a revocable living trust

11:56AM 14 that he had established?

11:56AM 15 A Yes.

11:56AM 16 Q What was that? What did he ask you to do?

11:56AM 17 A To be a backup trustee on his revocable living trust.

11:56AM 18 Q A successor trustee is that another term?

11:56AM 19 A Yes.

11:56AM 20 Q So basically if the original trustee or trustees couldn't

11:56AM 21 perform their duties you would step in?

11:56AM 22 A Yes.

11:56AM 23 Q Did you agree to do that?

11:56AM 24 A Yes.

11:56AM 25 Q What was your understanding as to what would be your

11:56AM 1 primary obligation or duties as trustee?

11:56AM 2 A To look after his son.

11:56AM 3 Q Did you know his son?

11:56AM 4 A Yes.

11:56AM 5 Q That was Caleb Miske?

11:56AM 6 A Yes.

11:56AM 7 Q Did you have a relationship with Caleb Miske?

11:56AM 8 A Yes.

11:56AM 9 Q How would you describe your relationship with Caleb?

11:56AM 10 A Uncle/nephew.

11:57AM 11 Q So that same year, 2009, was that a time you left

11:57AM 12 Kama'aina Termite to form your own company?

11:57AM 13 A Yes.

11:57AM 14 Q What was Mr. Miske's reaction when you informed him you

11:57AM 15 were going to leave and start your own business?

11:57AM 16 A He wanted me to stay.

11:57AM 17 Q You were a valuable employee?

11:57AM 18 A I think so.

11:57AM 19 Q In the end, did he support your leaving to begin your own

11:57AM 20 business?

11:57AM 21 A Yes.

11:57AM 22 Q Like to begin a pest control business, do you need an

11:57AM 23 endorsement of other pest control companies as part of that

11:57AM 24 process?

11:57AM 25 A Yes.

11:57AM 1 Q Did Mr. Miske endorse you to allow you to begin that

11:57AM 2 company?

11:57AM 3 A Yes, he did.

11:57AM 4 Q You said that you trusted Mr. Miske. Is that why you

11:57AM 5 asked him to act in a certain role for one of your children?

11:57AM 6 A Yes.

11:58AM 7 Q Do you recall what you asked him to serve as as to one of

11:58AM 8 your daughters?

11:58AM 9 A Yes. As the godfather to my one of my daughters.

11:58AM 10 Q So in 2009, you left to begin your own business, right?

11:58AM 11 A Yes.

11:58AM 12 Q Did you maintain contact with Mr. Miske from that point

11:58AM 13 on?

11:58AM 14 A Yes.

11:58AM 15 Q What kind of -- how regular was your contact would you

11:58AM 16 say?

11:58AM 17 A Weekly, sometimes monthly.

11:58AM 18 Q Would you socialize with him?

11:58AM 19 A Yes.

11:58AM 20 Q Did you discuss work issues with him as well?

11:58AM 21 A Yes.

11:58AM 22 Q Do you recall an incident in 2012 where Mr. Miske asked

11:58AM 23 you to hold something for him?

11:58AM 24 A Yes.

11:58AM 25 Q Do you recall what that was?

11:58AM 1 A Money.

11:58AM 2 Q How did Mr. Miske ask you to do that? How did that come

11:59AM 3 about?

11:59AM 4 A I can't remember how it came about. He just asked me if I

11:59AM 5 would hold some money for him.

11:59AM 6 Q Did he tell you what the source of that money was?

11:59AM 7 A No.

11:59AM 8 Q Did you ask?

11:59AM 9 A No.

11:59AM 10 Q Did he tell you how much money it was?

11:59AM 11 A No.

11:59AM 12 Q Did you ask?

11:59AM 13 A No.

11:59AM 14 Q Did he tell you how long he was going to ask you to hold

11:59AM 15 the money for?

11:59AM 16 A No.

11:59AM 17 Q Did you ask?

11:59AM 18 A No.

11:59AM 19 Q Did you in fact receive some cash from him for that

11:59AM 20 purpose?

11:59AM 21 A Yes.

11:59AM 22 Q How was that cash given to you? What was it contained in?

11:59AM 23 A In a bag.

11:59AM 24 Q Do you recall the type of bag?

11:59AM 25 A No.

11:59AM 1 Q Could you describe or give an example?

11:59AM 2 A A duffel bag or backpack.

11:59AM 3 Q Did you have the opportunity to look inside and see the

11:59AM 4 contents?

11:59AM 5 A Yes.

11:59AM 6 Q Did you see cash?

11:59AM 7 A Yes.

11:59AM 8 Q Do you recall how the cash was packaged?

11:59AM 9 A In bundles.

11:59AM 10 Q It wasn't loose?

12:00PM 11 A No.

12:00PM 12 Q It was stacks of cash?

12:00PM 13 A Yes.

12:00PM 14 Q Do you recall seeing the types of denominations?

12:00PM 15 A Small and large.

12:00PM 16 Q So when you say "large," what are we talking about?

12:00PM 17 A Hundred dollar bills.

12:00PM 18 Q Are there other smaller denominations as well?

12:00PM 19 A Yes.

12:00PM 20 Q What did you do with the money?

12:00PM 21 A Put it in the attic of my house.

12:00PM 22 Q How long did it stay there?

12:00PM 23 A Couple of years, maybe.

12:00PM 24 Q Mr. Teramoto, do you know an individual by the name of

12:00PM 25 Tori Clegg?

12:00PM 1 A Yes.

12:00PM 2 Q How do you know Tori Clegg?

12:00PM 3 A From Mike.

12:00PM 4 Q Were you aware of any relationship between Ms. Clegg and
12:00PM 5 Mr. Miske?

12:00PM 6 A Yes.

12:00PM 7 Q What was that relationship?

12:00PM 8 A Boyfriend/girlfriend.

12:00PM 9 Q Did you have any relationship with Ms. Clegg other than
12:01PM 10 knowing her through Mike, were you friends, in other words?

12:01PM 11 A Yes.

12:01PM 12 MR. INCIONG: Could we show the witness, Your Honor,
12:01PM 13 Exhibit 1-66 previously admitted from our original list?

12:01PM 14 THE COURT: Yes.

12:01PM 15 MR. INCIONG: Could we publish that as well?

12:01PM 16 THE COURT: Go ahead.

12:01PM 17 BY MR. INCIONG:

12:01PM 18 Q Mr. Teramoto, do you recognize who is show in Exhibit
12:01PM 19 1-66?

12:01PM 20 A Yes.

12:01PM 21 Q Is that Tori Clegg?

12:01PM 22 A Yes.

12:01PM 23 Q So you had a friendship with Ms. Clegg yourself?

12:01PM 24 A Yes.

12:01PM 25 Q Would you have discussions with her about things going on

12:01PM 1 in your personal lives?

12:01PM 2 A Yes.

12:01PM 3 Q Did Ms. Clegg confide in you with relationship issues she
12:01PM 4 was having with Mr. Miske?

12:01PM 5 A Yes.

12:01PM 6 Q Would you talk to her about those things?

12:01PM 7 A Yes.

12:01PM 8 Q Were some of those conversations long conversations?

12:01PM 9 A Yes.

12:01PM 10 Q Were those conversations in person or over the phone?

12:01PM 11 A Over the phone.

12:01PM 12 Q At some point, did Mr. Miske ever confront or accuse you
12:01PM 13 of speaking with Ms. Clegg?

12:02PM 14 A Yes.

12:02PM 15 Q How -- if you know, how did Mr. Miske know that you had
12:02PM 16 been speaking with her?

12:02PM 17 A He saw my phone number on her phone.

12:02PM 18 Q Did he accuse you of any sort of inappropriate conduct or
12:02PM 19 contact with her?

12:02PM 20 A Questioned me about it.

12:02PM 21 Q What did you tell him?

12:02PM 22 A That we were just talking.

12:02PM 23 Q Was that true?

12:02PM 24 A No.

12:02PM 25 Q Did you in fact have a romantic relationship with her at

12:02PM 1 some point?

12:02PM 2 A Yes.

12:02PM 3 Q What was the time frame as to when that happened as

12:02PM 4 opposed to when Mr. Miske confronted you about it?

12:02PM 5 A It happened prior. Like, almost a year prior.

12:02PM 6 Q Did you share that part with Mr. Miske?

12:02PM 7 A No.

12:02PM 8 Q You just told him you were having a friendly conversation?

12:03PM 9 A Yes.

12:03PM 10 Q Did he seem to accept that answer?

12:03PM 11 A Yes.

12:03PM 12 Q Just to give some time reference to this, you mentioned

12:03PM 13 that you considered yourself kind of to be an uncle to Caleb

12:03PM 14 Miske, correct?

12:03PM 15 A Yes.

12:03PM 16 Q Did you become aware of a very serious car accident that

12:03PM 17 Caleb was involved in?

12:03PM 18 A Yes.

12:03PM 19 Q Do you recall when that happened?

12:03PM 20 A November 2015.

12:03PM 21 Q So this incident where Mr. Miske confronted you about

12:03PM 22 talking to Ms. Clegg, did that happen before or after the car

12:03PM 23 accident?

12:03PM 24 A Before.

12:03PM 25 Q Now, at some point after Mr. Miske confronted you about

12:03PM 1 speaking with Tori Clegg, did he ask you to return the money

12:03PM 2 that he had asked you to hold?

12:03PM 3 A Yes.

12:03PM 4 Q Did you in fact return it to him?

12:03PM 5 A Yes.

12:04PM 6 Q How did you give him the money back?

12:04PM 7 A I gave it to his brother.

12:04PM 8 Q Which brother is that?

12:04PM 9 A John Stancil.

12:04PM 10 Q Did you know John Stancil prior to that?

12:04PM 11 A Yes.

12:04PM 12 Q Was he a person that you knew from growing up in Waimanalo

12:04PM 13 as well?

12:04PM 14 A Yes.

12:04PM 15 MR. INCIONG: Your Honor, could we show the witness

12:04PM 16 and publish Exhibit 1-58 previously admitted from our original

12:04PM 17 list?

12:04PM 18 THE COURT: Yes, go ahead.

12:04PM 19 BY MR. INCIONG:

12:04PM 20 Q Do you recognize the individual in 1-58, sir?

12:04PM 21 A Yes.

12:04PM 22 Q Who is that?

12:04PM 23 A John Stancil.

12:04PM 24 Q Was there anyone else present with Mr. Stancil when you

12:04PM 25 gave him the money that Mr. Miske had asked you to hold?

12:04PM 1 A Yes, Kaulana Freitas.

12:04PM 2 Q How did you know -- or did you know Kaulana Freitas?

12:04PM 3 A Yes.

12:04PM 4 Q How did you know him?

12:04PM 5 A From his dad.

12:04PM 6 Q Who was his dad?

12:04PM 7 A Denny Freitas.

12:04PM 8 Q Denny Freitas is someone that you knew that he had an
12:04PM 9 affiliation with Kama'aina Termite and Pest Control?

12:05PM 10 A No, he had an affiliation with the plumbing company.

12:05PM 11 Q Okay, the plumbing company?

12:05PM 12 A Yes.

12:05PM 13 Q Kama'aina Plumbing Company?

12:05PM 14 A Yes.

12:05PM 15 MR. INCIONG: Could we publish Exhibit 1-57 previously
12:05PM 16 admitted from our original list, Your Honor?

12:05PM 17 THE COURT: Go ahead.

12:05PM 18 BY MR. INCIONG:

12:05PM 19 Q Does Exhibit 1-57 show Kaulana Freitas?

12:05PM 20 A Yes.

12:05PM 21 Q Do you recall where you gave Kaulana Freitas and John
12:05PM 22 Stancil the money Mr. Miske asked you to hold?

12:05PM 23 A Yes, at Kaulana's house.

12:05PM 24 Q Is it in Kailua?

12:05PM 25 A Yes.

12:05PM 1 Q Did this also happen before Caleb's auto accident?

12:05PM 2 A Yes.

12:05PM 3 Q You went on to operate your own company, correct?

12:05PM 4 A Yes.

12:05PM 5 Q Has that been a successful viable company since then?

12:05PM 6 A Yes.

12:05PM 7 Q Has it grown in any size since you started it until today?

12:05PM 8 A Yes.

12:05PM 9 Q Do you have a number of employees now?

12:06PM 10 A Yes.

12:06PM 11 Q Do you have a number of trucks as part of your work fleet?

12:06PM 12 A Yes.

12:06PM 13 Q Do you ever have any of those trucks serviced at Jiffy

12:06PM 14 Lube?

12:06PM 15 A Yes.

12:06PM 16 Q Specifically, the Kaneohe location of Jiffy Lube?

12:06PM 17 A I don't know about locations, but we do use Jiffy Lube.

12:06PM 18 Q Have you also served on the Hawaii Pest Control Board as

12:06PM 19 part of your -- in relation to your being owner of this pest

12:06PM 20 control company?

12:06PM 21 A Yes.

12:06PM 22 Q When did you serve on that board?

12:06PM 23 A From about 2017 or '18. I'm actually still on the board.

12:06PM 24 Q Mr. Teramoto, are you a big golfer?

12:06PM 25 A Yes.

12:06PM 1 Q You golf frequently?

12:06PM 2 A Yes.

12:07PM 3 Q Do you golf at Olomana golf course frequently?

12:07PM 4 A Yes.

12:07PM 5 Q Do you recall an incident, an unusual incident that

12:07PM 6 occurred there when you were attending a holiday function in

12:07PM 7 approximately 2015?

12:07PM 8 A Yes.

12:07PM 9 Q What happened that day that stood out to you?

12:07PM 10 A After my golf, I put my clubs into my car and noticed a

12:07PM 11 van parked across from me with a couple of guys sitting in it.

12:07PM 12 Q Is there anything about that van that stood out to you or

12:07PM 13 that you recall?

12:07PM 14 A No, it was just odd that two guys were sitting there.

12:07PM 15 Q Did you leave at that time or did you remain at the golf

12:07PM 16 course?

12:07PM 17 A I stayed at the golf course.

12:07PM 18 Q Did you eventually leave at some point later?

12:07PM 19 A Yes.

12:07PM 20 Q Did you go home from there?

12:07PM 21 A Yes.

12:07PM 22 Q When you got home, did you see that van again?

12:08PM 23 A Yes.

12:08PM 24 Q Where did you see the van?

12:08PM 25 A It pulled up across the street from my house.

12:08PM 1 Q Did that alarm you in any way?

12:08PM 2 A Not initially, but yes.

12:08PM 3 Q So what happened from that point?

12:08PM 4 A Someone got out and called my name.

12:08PM 5 Q Did you see the person who called out your name?

12:08PM 6 A Yeah.

12:08PM 7 Q Did you recognize that person?

12:08PM 8 A No.

12:08PM 9 Q Do you think you'd ever seen him before?

12:08PM 10 A No.

12:08PM 11 Q So at that point after they called your name out, what did

12:08PM 12 you do?

12:08PM 13 A I was walking into my house, I just yelled to hold on, and

12:08PM 14 I went in the house and used the bathroom and came back out and

12:08PM 15 the car was gone. The van was gone.

12:08PM 16 Q Did that van ever come back later that day?

12:08PM 17 A No.

12:08PM 18 Q Or any other time?

12:08PM 19 A No.

12:08PM 20 Q Since you've been in the business -- the pest control

12:08PM 21 business as an employee both of Kama'aina Termite and as the

12:08PM 22 owner of your own business, in your experience is that a cash

12:09PM 23 business?

12:09PM 24 A No.

12:09PM 25 Q Do you ever carry large amounts of cash for any purpose

12:09PM 1 related to your business?

12:09PM 2 A No.

12:09PM 3 MR. INCIONG: I have nothing further for Mr. Teramoto.

12:09PM 4 Thank you, Your Honor.

12:09PM 5 THE COURT: I'm not sure who is doing the cross. Is
12:09PM 6 that you, Mr. Kennedy?

12:09PM 7 MR. KENNEDY: Yes, Your Honor.

12:09PM 8 THE COURT: Would you have any issue with taking a
12:09PM 9 second afternoon break?

12:09PM 10 MR. KENNEDY: No, Your Honor.

12:09PM 11 THE COURT: Okay. I think if we just plowed through
12:09PM 12 we would end up breaking in about ten or 15 minutes anyway; so
12:09PM 13 it probably makes sense to do that right now.

12:09PM 14 As we go to break, the second trial break of our day,
12:09PM 15 I will remind our jurors to please refrain from discussing the
16 substance of this case with anyone, including each other, until
17 I advise otherwise; do not access also any media or other
18 accounts of this case that may be out there; and finally,
19 please do not conduct any independent investigation of your own
20 into the facts, circumstances or persons involved.

12:10PM 21 So we will try to keep it to about a 15-minute break
12:10PM 22 and we will begin the cross of Mr. Teramoto at the time.

12:12PM 23 (Proceedings were recessed at 12:12 p.m. to 12:39
12:39PM 24 p.m.)

12:39PM 25 THE COURT: Okay. We have brought our jury back in,

12:39PM 1 all 16 members.

12:39PM 2 Mr. Kennedy, you may begin with your cross of

12:39PM 3 Mr. Teramoto when you are ready.

12:39PM 4 CROSS-EXAMINATION

12:39PM 5 BY MR. KENNEDY:

12:39PM 6 Q Good afternoon, sir.

12:39PM 7 A Good afternoon.

12:39PM 8 Q You told the jury this morning that you began working in

12:39PM 9 roughly 2001 for Kama'aina Termite and Pest Control, correct?

12:39PM 10 A Yes.

12:39PM 11 Q And that was Mike Miske's company, right?

12:39PM 12 A Yes.

12:39PM 13 Q He had started it from scratch, right?

12:39PM 14 A Yes.

12:39PM 15 Q And that he offered you a position, correct?

12:39PM 16 A Yes.

12:39PM 17 Q And you told the jury that in 1998, when this source was

12:40PM 18 arrested, you went to the FBI to turn your life around,

12:40PM 19 correct?

12:40PM 20 A Yes.

12:40PM 21 Q And you did that, didn't you?

12:40PM 22 A Yes.

12:40PM 23 Q All right. And now Mr. Miske had started Kama'aina

12:40PM 24 Termite and Pest Control, correct?

12:40PM 25 A Yes.

12:40PM 1 Q And that business was growing, right?

12:40PM 2 A Yes.

12:40PM 3 Q And you wanted to be a part of it, right?

12:40PM 4 A Yes.

12:40PM 5 Q And when your life sort of changed a little bit when

12:40PM 6 formal charges came around 2002, correct?

12:40PM 7 A Yes.

12:40PM 8 Q You were working at Kama'aina Termite and Pest Control at

12:40PM 9 that time, correct?

12:40PM 10 A Yes.

12:40PM 11 Q You then were released on bond while the case was

12:40PM 12 progressing, correct?

12:40PM 13 A I was already -- I was never formally arrested.

12:41PM 14 Q You were allowed to come to court, enter your appearance,

12:41PM 15 right?

12:41PM 16 A Yes.

12:41PM 17 Q And you had some conditions of release, correct?

12:41PM 18 A Yes, sir.

12:41PM 19 Q And so you continued to work at Kama'aina Termite and Pest

12:41PM 20 Control while you were under the supervision of your case,

12:41PM 21 correct?

12:41PM 22 A Yes.

12:41PM 23 Q All right. And in fact while you were doing that, you

12:41PM 24 obtained some course work at the University of Hawaii in terms

12:41PM 25 of the pest control industry, correct?

12:41PM 1 A Yes.

12:41PM 2 Q And you were able to get certifications in terms of use of
12:41PM 3 restricted chemicals, right?

12:41PM 4 A Yes.

12:41PM 5 Q And so you had to go away for one year, right?

12:41PM 6 A Yes.

12:41PM 7 Q And Mike told you -- you said that he was shocked that you
12:41PM 8 had to go away, correct?

12:41PM 9 A Yes.

12:41PM 10 Q But he told you your job would be there when you got back?

12:41PM 11 A Yes.

12:41PM 12 Q So you went and did your time?

12:41PM 13 A Yes.

12:41PM 14 Q You came back, correct?

12:41PM 15 A Yes.

12:41PM 16 Q And you started working at Kama'aina Termite and Pest
12:42PM 17 Control, correct?

12:42PM 18 A Yes.

12:42PM 19 Q And you did that almost up to 2009, right?

12:42PM 20 A Yes.

12:42PM 21 Q All right. And during that time you were primarily in
12:42PM 22 sales, right?

12:42PM 23 A Yes.

12:42PM 24 Q And you learned the pest control business at Kama'aina
12:42PM 25 Termite and Pest Control, correct?

12:42PM 1 A Yes.

12:42PM 2 Q And so what they were about -- well, what Mike's company
12:42PM 3 was about, they took on some of the most difficult jobs on the
12:42PM 4 island, didn't they?

12:42PM 5 MR. INCIONG: Objection, beyond the scope. Relevance.

12:42PM 6 THE COURT: You can answer that question. Go ahead.
12:42PM 7 Overruled.

12:42PM 8 THE WITNESS: Yes.

12:42PM 9 BY MR. KENNEDY:

12:42PM 10 Q They dealt with a lot of iconic places that are important
12:42PM 11 to the state?

12:42PM 12 MR. INCIONG: Objection, beyond the scope. Relevance.

12:42PM 13 THE COURT: Sustained.

12:42PM 14 BY MR. KENNEDY:

12:42PM 15 Q And so during that time you became proficient in the pest
12:42PM 16 control industry, correct?

12:42PM 17 A Yes.

12:42PM 18 Q All right. And then in 2009 you started your own company,
12:43PM 19 right?

12:43PM 20 A Yes.

12:43PM 21 Q Mike endorsed you, right?

12:43PM 22 A Yes.

12:43PM 23 Q At that time, he had his RME, correct?

12:43PM 24 A Yes.

12:43PM 25 Q And he helped you start that company until you got your

12:43PM 1 RME, correct?

12:43PM 2 A Yes.

12:43PM 3 Q And so you've run that company since that time, correct?

12:43PM 4 A Yes.

12:43PM 5 Q Providing for your family, right?

12:43PM 6 A Yes.

12:43PM 7 Q Servicing the island, correct?

12:43PM 8 A Yes.

12:43PM 9 Q Being on the board, right?

12:43PM 10 A Yes.

12:43PM 11 Q And you are still doing that today?

12:43PM 12 A Yes.

12:43PM 13 Q And folks that have your services they have had you for a

12:43PM 14 long time, right?

12:43PM 15 A Yes.

12:43PM 16 Q Now, you were asked some questions about the 1990s, do you

12:43PM 17 recall that?

12:43PM 18 A Yes.

12:43PM 19 Q You were in your 20s, right?

12:43PM 20 A Yes.

12:43PM 21 Q Mike was in his 20s, right?

12:43PM 22 A Yes.

12:43PM 23 Q And you left drugs behind in the late 1990s, correct?

12:43PM 24 A Yes.

12:43PM 25 Q And you've observed Mike since that time?

12:44PM 1 A Yes.

12:44PM 2 Q He's been your boss?

12:44PM 3 A Yes.

12:44PM 4 Q He got you started in your company?

12:44PM 5 A Yes.

12:44PM 6 Q And you said that during the course of your cooperation

12:44PM 7 with the FBI you told them that Mike was a customer, right?

12:44PM 8 A Yes.

12:44PM 9 Q And what you observed is he left that life behind as well,

12:44PM 10 correct?

12:44PM 11 A Yes.

12:44PM 12 Q And so he went on, like you did, to Kama'aina Termite and

12:44PM 13 Pest Control, correct?

12:44PM 14 A Yes.

12:44PM 15 Q And then to Certified Pest Management, your company,

12:44PM 16 right?

12:44PM 17 A Yes.

12:44PM 18 Q And the mistakes that you made were mistakes that you made

12:44PM 19 in your 20s, right?

12:44PM 20 A Yes.

12:44PM 21 Q Now, you grew up in Waimanalo, right?

12:44PM 22 A Yes.

12:44PM 23 Q And Mike grew up for a time in Waimanalo, correct?

12:44PM 24 A Yes.

12:44PM 25 Q Mike came from pretty humble beginnings, didn't he?

12:44PM 1 A Yes.

12:44PM 2 Q Lost his dad at six?

12:44PM 3 MR. INCIONG: Objection, relevance.

12:45PM 4 THE COURT: Sustained.

12:45PM 5 BY MR. KENNEDY:

12:45PM 6 Q And so it's not often that someone who grows up that

12:45PM 7 humbly can start the business that he started and succeeded,

12:45PM 8 right?

12:45PM 9 MR. INCIONG: Objection, calls for speculation.

12:45PM 10 THE COURT: Sustained.

12:45PM 11 BY MR. KENNEDY:

12:45PM 12 Q You are a business owner, right?

12:45PM 13 A Yes.

12:45PM 14 Q You know how hard it is to run your own business?

12:45PM 15 A Yes.

12:45PM 16 Q You know how hard it is to be the person that always is

12:45PM 17 responsible?

12:45PM 18 A Yes.

12:45PM 19 Q Now, you mentioned that one of the reasons you were on the

12:45PM 20 revocable trust was to be there for Caleb in case something

12:45PM 21 happened to Mike, correct?

12:45PM 22 A Yes.

12:45PM 23 Q And you became close with Caleb, correct?

12:45PM 24 A Yes.

12:45PM 25 Q And the government asked you about the accident, correct?

12:46PM 1 A Yes.

12:46PM 2 Q And at that time you went to the hospital?

12:46PM 3 A Yes.

12:46PM 4 Q When you heard about it, correct?

12:46PM 5 A Yes.

12:46PM 6 Q And you were there throughout that time, correct?

12:46PM 7 A Yes.

12:46PM 8 Q And during that time never did you ever hear Mike blame
12:46PM 9 anyone for that accident?

12:46PM 10 MR. INCIONG: Objection, beyond the scope. Relevance.

12:46PM 11 THE COURT: Sustained.

12:46PM 12 BY MR. KENNEDY:

12:46PM 13 Q And you were there at the hospital many, many times,
12:46PM 14 right?

12:46PM 15 A Yes.

12:46PM 16 Q And it looked like for a time Caleb was going to recover,
12:46PM 17 right?

12:46PM 18 A Yes.

12:46PM 19 Q But he didn't and he died?

12:46PM 20 A Yes.

12:46PM 21 Q And so in terms of your -- and this was right around --
12:46PM 22 the accident occurred in 2015, right?

12:46PM 23 A Yes.

12:46PM 24 Q And he died in March of 2016, correct?

12:47PM 25 A Yes.

12:47PM 1 Q All right. Now, Mike and you -- in the past you had
12:47PM 2 purchased the first home that you flipped, correct?

12:47PM 3 MR. INCIONG: Objection, beyond the scope. Relevance.

12:47PM 4 MR. KENNEDY: We went over a great deal of time.

12:47PM 5 THE COURT: That was discussed during direct?

12:47PM 6 MR. INCIONG: No.

12:47PM 7 THE COURT: I don't recall that. I think it is beyond
12:47PM 8 the scope. The objection is sustained.

12:47PM 9 BY MR. KENNEDY:

12:47PM 10 Q All right. Then with respect to Mike you've been in
12:47PM 11 business with him together, correct?

12:47PM 12 A Yes.

12:47PM 13 Q All right. And this continued in terms of business
12:47PM 14 opportunities almost days before he was arrested, correct?

12:47PM 15 A Yes.

12:47PM 16 Q All right. Now, the government asked you about an
12:48PM 17 incident when you were at a local golf course, correct?

12:48PM 18 A Yes.

12:48PM 19 Q And it was a van, right?

12:48PM 20 A Yes.

12:48PM 21 Q Couple of guys in the van?

12:48PM 22 A Yes.

12:48PM 23 Q Around Christmastime, correct?

12:48PM 24 A Yes.

12:48PM 25 Q Came back to your house?

12:48PM 1 A Yes.

12:48PM 2 Q Mentioned your name?

12:48PM 3 A Yes.

12:48PM 4 Q You went inside?

12:48PM 5 A Yes.

12:48PM 6 Q Nothing else happened beyond that?

12:48PM 7 A No.

12:48PM 8 Q All right. That was the entire matter, correct?

12:48PM 9 A Yes.

12:48PM 10 Q All right. You knew that Mike at a certain point --

12:48PM 11 excuse me, I think you mentioned that in around 2012 Mike asked

12:48PM 12 you to hold some cash for him, correct?

12:49PM 13 A Yes.

12:49PM 14 Q You knew at the time that he was operating the M

12:49PM 15 Nightclub, correct?

12:49PM 16 A Yes.

12:49PM 17 Q So he asked you to just keep it, correct?

12:49PM 18 A Yes.

12:49PM 19 Q And then a few years later he asked you to give it back to

12:49PM 20 him?

12:49PM 21 A Yes.

12:49PM 22 Q You gave it back to his brother John?

12:49PM 23 A Yes.

12:49PM 24 Q And Kaulana his cousin?

12:49PM 25 A Yes.

12:49PM 1 Q And you know Denny Freitas because you grew up together,

12:49PM 2 correct?

12:49PM 3 A Yes.

12:49PM 4 Q It was hard for you to lie to Mike about Tori Clegg,

12:49PM 5 wasn't it?

12:49PM 6 A Yes.

12:49PM 7 Q And you said that he took it, what you told him, and took

12:49PM 8 it well, correct?

12:49PM 9 A Yes.

12:49PM 10 Q And that the two of you have remained -- you said earlier

12:50PM 11 you were a close friend of him growing up, correct?

12:50PM 12 A Yes.

12:50PM 13 Q That it remained a close friendship when you were even in

12:50PM 14 a boss/employee relationship, correct?

12:50PM 15 A Yes.

12:50PM 16 Q After you got back from prison, it's pretty hard sometimes

12:50PM 17 for folks to get a job after they have to go in and do federal

12:50PM 18 time, right?

12:50PM 19 A Yes.

12:50PM 20 Q And you walked back into this that job that you had while

12:50PM 21 you were on supervision, correct?

12:50PM 22 A Yes.

12:50PM 23 Q And then you learned that trade and you went off and you

12:50PM 24 started your own business?

12:50PM 25 A Yes.

12:50PM 1 Q Providing for your daughters, right?

12:50PM 2 A Yes.

12:50PM 3 Q And that was because of Mike?

12:50PM 4 A Yes.

12:50PM 5 MR. KENNEDY: I have nothing further.

12:50PM 6 Thank you, Your Honor.

12:50PM 7 THE COURT: Redirect?

12:50PM 8 REDIRECT EXAMINATION

12:50PM 9 BY MR. INCIONG:

12:50PM 10 Q Thank you, Your Honor.

12:50PM 11 Mr. Teramoto, you can't really say definitively that

12:50PM 12 Mr. Miske left drugs behind like you did, can you?

12:50PM 13 A No.

12:50PM 14 MR. INCIONG: Nothing further, Your Honor.

12:50PM 15 THE COURT: Mr. Kennedy, anything else.

12:50PM 16 RECROSS-EXAMINATION

12:50PM 17 BY MR. KENNEDY:

12:51PM 18 Q You were asked definitively. You never saw any evidence

12:51PM 19 of Mike and drugs after 1998, correct?

12:51PM 20 A Yes, correct.

12:51PM 21 MR. KENNEDY: Nothing further.

12:51PM 22 THE COURT: Mr. Teramoto, you may step down. Thank

12:51PM 23 you, sir.

12:51PM 24 THE WITNESS: Thank God.

12:51PM 25 THE COURT: Ladies and gentlemen, as we did yesterday,

12:51PM 1 we are done for the trial day a little bit early. Everyone is
12:51PM 2 doing the best they can. It's not the defense's fault, it's
12:51PM 3 not the government's fault. Everyone is doing the best they
12:51PM 4 can to fill our trial days as best we can. But you know that
12:51PM 5 this is not an exact science. Sometimes we have more witnesses
12:51PM 6 than we can fit within a trial day and other times, like today
12:51PM 7 and yesterday, we don't.

12:52PM 8 So take it while you can. I do that same thing and
12:52PM 9 try to make use of the time as best I can. So I'm sure and
12:52PM 10 confident that you will do the same. So we are going to excuse
12:52PM 11 you about 30 minutes, a little bit more than 30 minutes early
12:52PM 12 today. We will resume tomorrow morning, as we did today, at
12:52PM 13 8:30.

12:52PM 14 As we go to break I'll remind you once again to
12:52PM 15 refrain please from discussing the substance of this case with
12:52PM 16 anyone, including each other; to also refrain from conducting
12:52PM 17 any independent investigation into this case; and finally, do
12:52PM 18 not access any media or other accounts of this case that may be
12:52PM 19 out there. We will see you tomorrow morning.

12:53PM 20 (Proceedings were concluded at 12:53 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,
5 true, and correct transcript from the stenographically reported
6 proceedings held in the above-entitled matter and that the
7 transcript page format is in conformance with the regulations
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, May 28, 2024.

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13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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